

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF
TEXAS MARSHALL DIVISION

NETLIST, INC.,)
)
Plaintiff,) Case No. 2:22-cv-203-JRG
vs.)
) JURY TRIAL DEMANDED
MICRON TECHNOLOGY, INC.;)
MICRON SEMICONDUCTOR)
PRODUCTS, INC.; MICRON)
TECHNOLOGY TEXAS LLC,)
)
Defendants.)

**DECLARATION OF JASON G. SHEASBY IN SUPPORT OF
NETLIST, INC.'S OPPOSITION TO MICRON'S MOTION FOR SUMMARY
JUDGMENT OF NONINFRINGEMENT OF U.S. PATENT NOS. 8,787,060
AND 9,318,160 (DKT. 279)**

I, Jason G. Sheasby, declare as follows:

1. I am an attorney at the law firm of Irell & Manella LLP, counsel of record for Plaintiff Netlist, Inc. (“Netlist”) in the above-captioned action. I am a member in good standing of the State Bar of California and have been admitted to practice *pro hac vice* before this Court in this action. I provide this declaration in support of Netlist Inc.’s Opposition to Micron’s Motion for Summary Judgment of Noninfringement of U.S. Patent Nos. 8,787,060 and 9,318,160 (Dkt. 279). I have personal knowledge of the facts stated herein, and could and would testify completely thereto if called as a witness in this matter.

2. Attached as **Exhibit 1** is a true and correct copy of an email from Micron’s counsel Ryuk Park, dated April 4, 2023.

3. Attached as **Exhibit 2** is a true and correct excerpted copy of USPTO Office Action from the prosecution history of the ’060 patent, dated October 11, 2013.

4. Attached as **Exhibit 3** is true and correct excerpted copy of an Office Action response by Netlist from the prosecution history of the ’060 patent, dated January 13, 2014.

5. Attached as **Exhibit 4** is a true and correct copy of U.S. Pub. No. 2008/0025137 (“Rajan”).

6. Attached as **Exhibit 5** is a true and correct excerpted copy of the deposition transcript of Samir Mittal, dated November 15, 2023.

7. Attached as **Exhibit 6** is a true and correct excerpted copy of the deposition transcript of Roman Royer, dated September 19, 2023.

8. Attached as **Exhibit 7** is a true and correct copy of a document titled “DDR3 High Density DIMMs and 3DS.”

9. Attached as **Exhibit 8** is a true and correct excerpted copy of the deposition transcript of John Halbert, dated September 30, 2023.

10. Attached as **Exhibit 9** is a true and correct excerpted copy of the deposition transcript of Brent Keeth, dated August 15, 2023.

11. Attached as **Exhibit 10** is a true and correct excerpted copy of a document produced in this litigation, Bates numbered MICNL203-00219845.

12. Attached as **Exhibit 11** is a true and correct excerpted copy of the deposition transcript of Harold Stone, dated June 26, 2023.

13. Attached as **Exhibit 12** is a true and correct excerpted copy of the deposition transcript of a document produced in this litigation, Bates numbered MICNL203-00219979.

14. Attached as **Exhibit 13** is a true and correct excerpted copy of the deposition transcript of a document produced in this litigation, Bates numbered MICNL203-00219774.

15. Attached as **Exhibit 14** is a true and correct excerpted copy of the Petition for *Inter Partes* Review of U.S. Patent No. 9,318,160, from IPR2022-01427.

16. Attached as **Exhibit 15** is a true and correct excerpted copy of the deposition transcript of a document produced in this litigation, Bates numbered MICNL203-00256004.

17. Attached as **Exhibit 16** is a true and correct excerpted copy of a document produced by Micron in this litigation, which was produced with Bates number MICNL203-00259238.

18. Attached as **Exhibit 17** is a true and correct excerpted copy of the deposition transcript of Zach Stordahl, dated November 7, 2023.

19. Attached as **Exhibit 18** is a true and correct excerpted copy of the deposition transcript of Rajesh Hariram Kariya, dated October 3, 2023.

20. Attached as **Exhibit 19** is a true and correct excerpted copy *Markman* Hearing transcript in *Netlist Inc. v. Samsung Elecs. Co., Ltd.*, No. 2:21-cv-463 (E.D. Tex.).

21. Attached as **Exhibit 20** is a true and correct copy of the Supplemental Expert Report of Michael C. Brogioli, Ph. D.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 28, 2023, in Los Angeles, California.

By /s/ Jason G. Sheasby
Jason G. Sheasby